

**State of Nevada  
State Emergency Response Commission**



**LOCAL EMERGENCY  
PLANNING COMMITTEE  
HANDBOOK**

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## Introduction

The purpose of this handbook is to provide general guidelines of federal and state laws and regulations. The handbook is not an all-inclusive manual, but will emphasize significant administrative functions being enforced.

The handbook will define responsibilities and requirements to assist grantees or subgrantees and fiscal personnel in the management of grants received from the State Emergency Response Commission

SERC).

A grantee or sub-grantee receiving grant funding from the SERC must comply with the provisions of this handbook and all applicable local, state and federal regulations.

This handbook is intended to be continually updated to keep LEPCs informed as SERC adopts changes. Please read and include updates in this binder as they are forwarded to you.

## Overview

The Emergency Planning and Community Right-to-Know Act (EPCRA) is a stand-alone law passed in 1986 as a part of the Superfund Amendment and Reauthorization Act (SARA) and is found as SARA Title III. Congress intended it to improve state and local planning and response capabilities to react to hazardous materials emergencies and to provide access to information about hazardous materials to the public.

EPCRA specifies what kinds of releases and quantities require notification, to who reports and notification are required, and establishes threshold-planning quantities. The provisions of EPCRA require industry to comply with reports of storage, manufacture and releases to specific agencies. Along with these reporting requirements, fees required by state law are collected and granted to state and local agencies to provide assistance in planning, training and equipment activities to prevent, respond to and mitigate hazardous materials incidents.

## **A brief overview of substantive provisions of EPCRA and Nevada's implementation:**

### ***Emergency Planning (Sections 301 to 303):***

**Section 301** establishes State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs). In Nevada, the Governor appoints SERC members. Pursuant to federal law, the SERC shall supervise and coordinate the activities of the LEPCs. The SERC has designated each county as a planning district. Each planning district has appointed its LEPC. The SERC will review and approve LEPC membership annually to ensure compliance with federal laws.



**Section 302** establishes the list for extremely hazardous substances (EHS), the threshold planning quantity (TPQ), applicable facilities, and emergency planning notification requirements. Reporting is made by submission of the Nevada Combined Agency Hazmat Facility Report to the SERC through the State Fire Marshal, the appropriate LEPC, and the local fire department.

**Section 303** requires LEPCs develop a hazardous materials emergency response plan compliant with National Response Team (NRT-1) planning elements. The LEPCs and the SERC must review these plans at least once a year and the plan must be exercised annually by the LEPCs. The federal publication NRT-1 contains specific recommendations on how each of the required planning elements should be addressed. The planning elements are:

1. Identification of covered facilities, routes used to transport hazardous substances, and additional facilities which may contribute to an emergency or are at additional risk, such as hospitals and natural gas facilities;
2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel in hazardous materials response;
3. Designation of community and facility emergency coordinators;
4. Emergency notification procedures to coordinators, responders and the public;
5. Methods for determining the occurrence of a release and the area or population likely to be affected;
6. Description of emergency resources, including equipment and facilities, and identification of the persons responsible for the equipment and facilities;
7. Evacuation plans;
8. Training programs and schedules; and
9. Methods and schedules for exercising the emergency plan.

### ***Emergency Release Notification (Section 304):***

**Section 304** establishes notification requirements and defines emergency notification procedures upon a hazardous substance release including required contents of such notification. Releases must be reported to the Nevada Division of Environmental Protection, 1-888-331-6337; the local fire department; the LEPC; U.S. Environmental Protection Agency National Response Center, 1-800-424-8802 (if the release is above the reporting requirement); and written follow-up to the SERC of status and corrective action.

### ***Community Right-to-Know Reporting (Sections 311 and 312):***

**Section 311** requires submission of material safety data sheets (MSDS) or a chemical list for each covered chemical to the appropriate LEPC, the SERC and the local fire department. The State Fire Marshal's Office collects the chemical list for the SERC with the Nevada Combined Agency Hazmat Facility Report.

**Section 312** requires a facility prepare and submit a chemical inventory by March 1<sup>st</sup> of each year to the SERC, LEPC and the local fire department. The inventory form must include information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. This information is available to the public. Nevada has a state specific form based on the Tier II Report which is required to be submitted to the State Fire Marshal who collects fees pursuant to NAC 459.9916 and enters hazardous materials information in the Nevada Chemical Facility Database.

### ***Toxic Chemical Release Inventory Reporting (Section 313):***

**Section 313** requires facilities to report releases and other waste management of specifically listed chemicals and transfers of toxic chemicals for waste management to off-site locations. Facilities meeting all three of the following criteria are subject to Section 313 reporting:

1. The facility has 10 or more full-time employees;
2. The facility has a primary Standard Industrial Classification (SIC) code in any of the groups listed by U.S. Environmental Protection Agency (EPA) (found on EPA website at [www.epa.gov](http://www.epa.gov)); and
3. The facility manufactured, processed, or otherwise used, in the course of a calendar year, any toxic chemical in quantities greater than the set threshold

Reports under Section 313 (EPA Form R or Form A) must be submitted annually to EPA and to SERC (with appropriate fees pursuant to NRS 459.744) by July 1 each year. The report covers activities at the facility during the previous calendar year.

## SERC Structure and Responsibilities

The SERC consists of not more than 25 members appointed by the Governor. To the extent practical, appointments will be made of persons who have technical expertise in responding to emergencies. The SERC has developed standing committees to accomplish its tasks:

- Funding Committee
  - Planning and Training Subcommittee
- Legislative Committee
- Information Technology Committee
- Policy Committee
- Strategic Planning Committee
- Bylaws Committee

The SERC is charged with establishing, supervising and coordinating the LEPCs; reviewing local hazardous materials emergency response plans; and making recommendations for revisions. The SERC is the center of EPCRA's system for handling information requests about chemicals by establishing procedures for responding to such requests and maintaining the Nevada Chemical Facility Database.

The SERC also distributes and manages grants provided from fees collected through the filing of the Nevada Combined Agency Hazmat Facility Report and from federal grants received.

The SERC designated each county as a planning district and established one LEPC in each planning district. The purpose of this structure is to:

- simplify and accomplish comprehensive emergency response planning for hazardous materials incidents, accidents, or releases
- involve state and local governments, and private industries in developing and exercising hazardous materials emergency response plans
- improve public safety capabilities to prevent, respond to, and mitigate hazardous materials impact on activities and environment
- provide residents access to information concerning hazardous materials under the Community Right-to-Know portion of the law
- manage reports of hazardous materials manufacture, use, and transportation within the state

The SERC staff is dedicated to supporting the goals and objectives of the State Emergency Response Commission, which include supporting Local Emergency Planning Committees. Agencies represented on the SERC have numerous resources and skills which may benefit LEPCs in many ways. Technical assistance is available upon request.

## SERC Mission - Vision Statement

The State Emergency Response Commission is the executive agency for Nevada's compliance with the Federal Emergency Preparedness and Community Right-to-Know.

**Our mission is:**

“Protect the citizens of the State of Nevada against the negative effects of hazardous materials.”

**Our vision is:**

We will be known as the State agency responsible for collecting hazardous materials information from fixed facilities regarding the use and storage as mandated by Sara Title III. We will provide to the public and first responders hazardous materials information for both planning and reference purposes. We will be the agency that generates funding through fees, and regulates and administers all monies deposited into the contingency account for hazardous materials. We will support Local Emergency Planning Committees (LEPC's) in equipment, training and planning activities needed to prevent and respond to hazardous materials incidents. We will continually seek to enhance public safety by developing a working relationship among state agencies, local government, federal facilities and private industry.



STATE OF NEVADA  
EMERGENCY RESPONSE COMMISSION

BYLAWS

ARTICLE I

Authority:

The State Emergency Response Commission (hereinafter SERC) is created pursuant to NRS 459.735.

ARTICLE II

Section 1: Purposes

The purpose of the Nevada State Emergency Response Commission is to develop means to protect the citizens of the State against the negative effects of hazardous materials' use, manufacture, storage, transportation, release or spill. The Commission continually seeks to enhance public safety by developing a working relationship among state agencies, local governments, federal facilities and private industries. The Commission works cooperatively with Local Emergency Planning Committees, (hereinafter LEPCs), to achieve a partnership of equals among state, local and private organizations that are involved with hazardous material's management. The Commission is the executive agency for Nevada's compliance with Superfund Amendments and Reauthorization Act (SARA), Title III.

Section 2: Duties

The SERC accomplishes these purposes by:

- (1) Providing management and oversight of all provisions of the SARA Title III and the Emergency Preparedness and Community Right-To-Know Act of 1986;
- (2) Providing management and oversight of hazardous materials related funding pursuant to Public Law 99-499 or Title I of Public Law 93-633 and NRS 459.735 through NRS 459.773;

- (3) Obtaining, administering and providing grants to Nevada's Local Emergency Planning Committees to implement these acts and enhance public safety;
- (4) Carrying out tasks as assigned to the Commission by acts of the United States Congress, the Nevada State Legislature, or the Governor of the State of Nevada.

The Commission's Co-Chairs shall direct the staff and conduct appropriate personnel actions, and ensure fiscal responsibility of the Commission.

### ARTICLE III

#### Section 1: Membership

The Commission shall consist of no more than 25 members as appointed by the Governor. It is the intent of SERC to maintain a balance reflecting private industry, local and state government, and geographic area. Complying with the legislative directive, the Commission will endeavor to maintain the membership at a lower level than 25. It is the recommendation of SERC to have representation as follows:

7 members representing the private sector and regulated industry;

5 members representing local government with an affiliation with fire service, law enforcement, occupational safety, environmental protection, emergency management or health;

5 members representing state government with an affiliation with the fire service, law enforcement, occupational safety and health, environmental protection, emergency management, health and the state legislature and;

2 members who are private citizen(s) or representative of a citizens' group.

Additional appointed members to the SERC should be designated to maintain the balance as equally as possible.

The term of each member of the Commission is 4 years. A member may be reappointed, and there is no limit on the number of terms that a member may serve.

The member is appointed on the basis of their position and personal expertise. If a member leaves their represented category, they should offer their resignation to the SERC Executive Director for presentation to the full Commission.

Appointed Commissioners retain their commission until replaced at the pleasure of the Governor, as specified in appropriate Nevada Revised Statutes.

Commissioners with two or more unexcused meeting absences will be asked to resign their appointment to the commission. An unexcused absence is when staff is not notified of the members' inability to attend a meeting.

## Section 2: Chairpersons

At the pleasure of the Governor, it is recommended Co-Chairs are appointed to represent two sectors of the membership.

## Section 3: Staff

The Commission shall employ sufficient staff as required for the execution of its tasks within the limitation of legislative authority and Commission directives.

The staff shall regularly report to the Commission on fiduciary and SERC administrative matters.

The staff shall provide administrative and logistical support as requested to assist appropriate programs.

# ARTICLE IV

## Section 1: Committees

The Commission shall establish standing committees as shown below and may establish other committees as necessary as well as subcommittees as may be required to recommend actions pursuant to its work and objectives. The Committees shall be chaired by SERC members. The Chair of each committee is appointed by the Co-Chairs. The membership of each committee is appointed by the committee chair, with the approval of the Co-Chairs. All committees must have a minimum of three SERC members.

Committees may establish technical advisory subcommittees to provide technical expertise required to meet stated objectives or goals, as recommended by the Committee chairs and approved by the Commission Co-Chairs.

The Commission may fund travel and per diem to support committee activities. Reimbursement shall be at the rate applicable to all state employees.

Committee members and Commissioners with two or more unexcused absences will be asked to resign their appointment to the committee.

## Section 2: Standing Committees

The following Standing Committees shall be formed with the designated powers and duties as defined:

**Funding Committee:** The Funding Committee reviews all grant requests and applications, internal or external; tracks progress on project expenditures and makes recommendation to the SERC for expenditure of grant funds. The Funding Committee will also provide oversight for the Planning and Training subcommittee.

**Planning and Training Subcommittee:** The Subcommittee will review LEPCs hazardous materials response plans and advise them with respect to their plans compliance with applicable laws, regulations and procedures. The Subcommittee ensures grant requests are appropriate to levels of training and levels of response.

**Legislative Committee:** This committee's responsibility is to track and propose regulation changes and/or laws relative to the Commission's oversight responsibilities.

**Bylaws Committee:** Members of this Committee will maintain and interpret the Commission's bylaws, recommending changes accordingly. The bylaws Committee will also review the LEPC bylaws and membership lists to ensure compliance with Federal and state laws and regulations.

**Strategic Planning Committee:** This Committee will review the Commission's compliance with its mandated responsibilities and provide regular status reports to the Commission.

**Information Technology Committee:** The Committee will oversee the implementation and maintenance of the information technology systems as relating to the Commission, i.e. databases, website.

**Policy Committee:** The Committee will develop, review and recommend policies to the Commission as needed and/or to satisfy audit findings. The Committee will also recommend policies for migration to statutes and/or regulations.

## ARTICLE V

### Section 1: Meetings

The Commission meets once each quarter, as called by the Co-Chairs, or as scheduled by a simple majority of Commissioners. Special meetings may be called by the Co-Chairs or by a majority of the voting members of the Commission. At least seven business days notice shall be given in writing to all the members of the Commission of the date and time of the special meeting. Meetings are conducted under the provisions of Nevada's open meeting laws. A quorum is defined as one more than half the Commissioners. Members of the Commission may attend meetings either in person or by telephone or by video conference. All action taken by the Commission shall only be taken by a majority vote of the members present at a meeting. Nevada Statute does not authorize voting proxies. Meetings are conducted under Robert's Rules of Order, as revised. Any members may make a motion and vote. Committee and subcommittee meetings are conducted under similar conditions.

Per diem rates for the Commission members shall be reimbursed at the rate applicable to all state employees.

## ARTICLE VI

### Section 1: Bylaws

Bylaws shall be presented, in writing, to the SERC for discussion, one meeting prior to approval.

## LEPC Structure and Responsibilities

The SERC has designated each county as a planning district. Each planning district has appointed its LEPC. The SERC will review and approve LEPC membership annually to ensure compliance with federal laws. Each LEPC shall include (as required by EPCRA) representatives from each of the following groups or organizations:

- elected state and local officials;
- law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel;
- broadcast and print media;
- community groups; and
- owners and operators of facilities subject to the requirements of EPCRA



The EPA and the SERC encourage the appointment of broad-based LEPCs which include representatives from the 13 individual categories. In some cases, one person could represent more than one category. The appointment may be made by job title/position rather than individual names to ensure continuity of membership of the LEPC and to make the appointment of replacement members easier.

The major legal responsibility of LEPCs is to ensure compliance with EPCRA Public Law 99-499 including:

1. review local hazardous materials emergency response plans at least once a year;
2. collect and make available each MSDS, chemical list described in Section 311 (a)(2) or Tier II report, inventory form, and follow-up emergency notice to the general public;
3. accept follow-up emergency information as soon as practical after a release which requires the owner/operator to submit a notice; and
4. Designate an official to serve as "Coordinator of Information" to respond to public requests.

Additional responsibilities defined in EPCRA include evaluating and making recommendations as to the need for resources necessary to develop, implement, and exercise the hazardous materials emergency response plan; and annually publishing a notice in the local newspapers that the LEPC Hazardous Materials Emergency Response Plan, MSDS, follow-up release notifications, and inventory forms have been submitted and are available for public review. The notice must include where and when the information is available for public review.

The SERC provides funding to LEPCs through grants of money collected from facility fees and awarded from federal agencies. In addition to EPCRA responsibilities, the Nevada SERC requires LEPC compliance in order to be eligible for receipt of grant funds as follows:

1. maintain an active membership and provide current bylaws and membership list, including the discipline represented by each member, to the SERC annually;
2. conduct regularly scheduled meetings at least quarterly and submit LEPC meeting agendas and minutes to the SERC;
3. provide financial reports and documentation of expenditures to the SERC in a timely manner;
4. develop, maintain, and exercise (at least once a year) a current hazardous materials emergency response plan; and

## **Planning**

The largest planning task of the LEPC is the identification of potential facility or transportation hazards and vulnerable locations. To complete a community hazard assessment, the committee must integrate information from individual facilities into the community plan. Under EPCRA, each facility is required to provide information to the LEPC necessary for developing and implementing the hazardous materials emergency response plan. A complete analysis of hazards in the community is an overview of risks posed not only by facilities, but also by trucks or railcars transporting hazardous materials passing through the planning district. In addition, it identifies local facilities which might contribute to a hazard such as a natural gas facility, and lists local institutions such as hospitals, nursing homes or schools, which might be at additional risk during an emergency.

The plan must cover facilities with one or more extremely hazardous substance present in amounts exceeding the threshold planning quantities (TPQ). EPCRA lists those materials requiring specific planning.

The objective of the emergency response structure described above is to improve the planning levels in local jurisdictions, communities and regions; and to maintain an awareness of available resources, deployment methods and policies. The development of a working group which includes state and local governments, health officials, industry, and residents of the community is the foundation for comprehensive planning. Each phase of emergency response, from discovery and notification to recovery and site remediation, involves each group in critical ways which must be addressed in comprehensive and effective plans.

The LEPC must review and, if applicable, update the hazardous materials emergency response plan annually. The SERC must review and make recommendations concerning the plan and/or updates. The hazardous materials emergency response plan may be an annex to the all-hazards plan, or a stand-alone operations directive. The LEPC must have an approved plan on file with the SERC to be eligible for grant funding. The SERC may, upon grant application, provide resources to review, update, implement, and exercise the plan.

The SERC has tasked the Planning and Training Subcommittee (under the Funding Committee) to review the LEPC plans. This subcommittee uses the nine NRT-1 elements (Appendix A-1) to make recommendations to the LEPCs and to ensure a proper plan. Pursuant to EPCRA requirements to review and update the plan at least once a year, SERC has adopted policy no. 8.1 requiring submission of updates or notice of review, along with minutes of the LEPC meeting indicating review of the plan, by **January 31 each year**.

## **Exercises**

Section 303(b) of EPCRA requires the LEPC to exercise the hazardous materials emergency response plan at least once annually. Exercises are the most effective way to continue the planning process. Exercises may range in scope from “table-top” discussion of an incident scenario among emergency responders and/or emergency operations center personnel to full-scale field exercises in which emergency responders react to incident simulations in “real-time.” In order to fulfill the compliance requirements of EPCRA, schedules of planned exercises must be developed and included as part of the emergency response planning activity.

In each case, the objective of drills or exercises is to test and evaluate the appropriateness, adequacy, and effectiveness of the local hazardous materials emergency response plan. The participants in any exercise should be carefully briefed on the objectives of the exercise, the expected outcomes, ground rules, exceptions and exemptions, and the scenario and timing of events. Some ground rules to be observed are:

- p** The exercise will terminate if a real emergency occurs during the exercise.
- p** Safety of the public, the responders and the simulated “casualties” must take precedence over all other exercise considerations and actions. Any participant has the authority and the responsibility to stop the exercise if an unsafe act or condition is observed.
- p** Suggestions for improving the emergency response or the planning for actual response are welcome during the critique following the exercise.



The LEPC should provide sufficient evaluators who are qualified by training and/or experience to conduct an evaluation of the objectives they will be assigned to review. After the exercise, critiques and debriefings should be held to discuss successes and failures, and to make recommendations and plans for necessary modifications and adjustments.

Within 60 days after an exercise is conducted or a response to a qualified real event, an evaluation report must be submitted to the SERC. The evaluation report will include a narrative of specific exercise information, corrective action plans, and any additional comments. Either the SERC's report form or the Federal Emergency Management Agency's may be used (*Appendix A-2 and A-3*).

## **Grant Application and Awards**

The SERC awards grants with funds received from the federal government and from fees collected from facilities within the State of Nevada. The SERC will send grant applications to each LEPC and state agencies, based on the purpose of the grant, a minimum of 6 weeks prior to the due date. The application will specify whether the grant award will be from SERC (state) funds or federal funds. The request for funding must be submitted in the format provided in the application. Objectives and expected accomplishments must be stated in quantifiable and measurable terms. Grant requests must support state or local hazardous materials emergency response plans and must relate to the risk analysis contained in the plans. Each grant request is limited to \$25,000. Eligible LEPCs will receive an automatic \$4,000 in the operation category of the SERC grant. Grants may be made to any eligible LEPC or state agency to further the response capabilities of first responders to hazardous materials incidents. Funding may be requested to train, equip, and/or improve local planning for such contingencies.



The SERC has adopted policies and procedures to regulate the grant application and award process. Copies of the policies are attached. Significant topics of the policies are highlighted as follows:

### **SERC Policy 8.1 (*Appendix A*):**



LEPCs, the primary grantees, are required to submit an updated hazardous materials emergency response plan, or written notification there are no changes, along with minutes of the LEPC meeting indicating review of the plan, by January 31<sup>st</sup> of each year for approval by the SERC. Notification of deficiencies, if any, will be made to the LEPC chair. Within 45 days of such notice, the LEPC must bring the plan into compliance. Failure to have an approved plan will result in the LEPC being ineligible for funding from the SERC until the next plan review cycle.

LEPCs are required to exercise the Hazardous Materials Emergency Response Plan at least once annually and submit a report form and complete narrative to the SERC. The Planning and Training Sub-Committee will evaluate exercises conducted and/or responses to real events by review of the exercise report forms submitted by the LEPCs. Non-compliance will result in suspension of the current unencumbered grant funds and the LEPC being ineligible for future grant funds until the program is deemed compliant.

SERC Policy 8.2 (Appendix B):

The LEPC must meet to discuss, determine and approve the appropriate funding request. A copy of the LEPC meeting minutes approving said request must accompany the grant application. As appropriate, the LEPCs must submit applications for grants to the SERC, submit training requests to the State Fire Marshal's Office (SFM), and limit consultant/contractor costs to \$450 per day. If the SFM declines the training, the request may be included in the SERC grant application. The SFM declination must be submitted to the SERC.

Any application requesting consultant/contractor services must include a quote and a detailed scope of work from the consultant/contractor.

Requests for equipment must be made in accordance with the cost on the standard equipment list (*Appendix B-1*). A **dated, firm quote** for equipment not on this list must be included with the application.

The Planning and Training Subcommittee will meet and review the applications to determine appropriateness and eligibility of the request when compared to the level of response designated in the hazardous materials emergency response plan. The Subcommittee will make recommendations based on their review to the Funding Committee.

The Funding Committee will meet and review the applications to determine the appropriateness and eligibility based on the Planning and Training Subcommittee's recommendations. The Committee will also make recommendations to the SERC as to the amount of funds to award.

Funding of the applications will be placed on a SERC agenda for approval. Grants will be awarded based on the applications submitted and the availability of money.

After the initial award of funds received from a **federal grant** through an open grant cycle, the SERC will notify eligible applicants of the availability of unobligated funds, if any. These funds will be available throughout the remainder of the year at the request of an eligible applicant and upon approval of the Funding Committee.

#### SERC Policy 8.2a (Appendix C):

Applications to apply for grants from “United We Stand” license plate funding pursuant to NRS 459.735(4) will be sent to the Local Emergency Planning Committees (LEPCs), or state agencies, allowing at least 6 weeks for the applications to be returned to the SERC for funding consideration. Applications may be submitted requesting appropriate elements as outlined in the application kit.

#### SERC Policy 8.3 (Appendix D):

Each grantee/sub-grantee is required to submit signed Certified Assurances (Appendix D-1) and LEPC Compliance Certifications (Appendix D-2) prior to receiving a grant award. Failure to comply with both of these requirements will result in the LEPC being ineligible for grant funding from the SERC. Each LEPC who does not submit a SERC grant application is required to submit signed LEPC Compliance Certifications (Appendix D-2) by March 31 of each year.

Bylaws must be reviewed by the LEPC annually. All changes in the Bylaws, or a letter stating there are no changes, as well as a current membership list (identifying each member as to which of the 13 EPCRA categories they represent), must be submitted to the SERC by March 31 (Policy 8.9).

EPCRA requires LEPCs to hold “regularly scheduled meetings.” The SERC has defined regularly scheduled meetings as quarterly meetings. All meetings must be conducted in compliance with the Nevada Open Meeting Law, ref: <http://ag.state.nv.us/oml/oml.htm>. Agendas and minutes of **ALL** meetings, including special meetings, must be forwarded to the SERC. The LEPC may apply to the SERC for a waiver or exemption of the quarterly meeting requirement due to extenuating circumstances.

#### SERC Policy 8.4 (Appendix E):

Grant award numbering consists of the following:

1. The first two digits indicate the fiscal year of the grant period.
2. The second segment of numbers or letters denote the type of grant; i.e. SERC (fee money), HMEP (federal money), etc.
3. The third part is the county designation based on an alphabetical order of the 17 counties.
4. The last section denotes the number of grants awarded to the grantee from the designated source of grant funds.



### SERC Policy 8.5 (Appendix F):

Awards of grants will be provided on a reimbursement basis with the ability to request an advance for expenses totaling over \$2,000. Reimbursement will **not be made** for training that was not attended.

## Grant Management

It is the responsibility of the SERC to ensure grant funds are used and reported consistent with appropriate accounting procedures. Grant management must occur at each level of state and LEPC fiscal personnel to show proper accountability. Reports of expenditures must meet appropriate fiduciary requirements. Local accounting and auditing procedures must be followed where specifically required.



Accounting systems must be developed to ensure accurate accounting, expending, and reporting of grant funds. Fiscal responsibilities and accounting requirements include:

1. All recipients of federal funding are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records will include both federal funds and matching funds, if applicable, from state, local and private organizations.
2. Each grant received must be accounted for separately.
3. Funds awarded will be expended only for activities and purposes stated in the approved budget of the grant award.
4. Grant funds may not be obligated until the first day of the grant period.
5. Grant funds must be obligated before the end date of the grant period.
  - a. Obligated funds are those for which goods or services have been ordered or received, but which have not been paid.
  - b. Expenditure (payment in full of all obligations) must occur by the final report date which is 45 days after the end of the award period.
6. Supplanting budgets is prohibited. Federal funds are used to **supplement** existing funds for program activities and **not to replace** those funds that have been appropriated for the same purpose.

Reporting of expenditures will be made in accordance with federal, state, and local laws and regulations and the policies of the SERC. Separate Financial Reports (*Appendix F-1*)

must be submitted for each grant. Reports requesting reimbursement may be submitted as often as the LEPCs choose. When there are no expenditures in a fiscal year quarter, a Financial Report is due by the end of the month following the end of the quarter stating no expenditure were made and explaining why.

Proper reporting consists of the Financial Report form; an itemized spreadsheet or Breakdown of Expenditures (Appendix F-2) showing grant number, category of expenditure, date of expense, description of expense, and amount of expenditure; supporting documentation; invoices or bills; and proof of payment.

Planning, training, equipment and operation claims must be made in accordance with the grant award. Consultant/contractor reimbursements must be consistent with the scope of work and cost awarded in the grant. Equipment purchases will be reimbursed in conformance with the quote and the grant award.

Grantees must have an approved Grant Change Request prior to implementing a change to the original grant. Failure may result in being ineligible for the funding. Request for change in project personnel must be made on the Grant Change Request form (Appendix H-1). Request for change in funding categories must be made on the Grant Change Request form and be supported by a written justification as to why the change is needed. Request for change in the use of funds within the same category or change in goals and/or objectives must be made in a written justification as to why the change is needed.

Travel/training costs are allowable as expenses by personnel who are in travel status on official business, if included in the project budget. Personnel must be at least 15 miles from their duty station to receive per diem (meal) reimbursement. Expenses will be reimbursed based on proper documentation submitted. Documentation necessary to claim travel/training expenses are as follows:

1. Copy of the agenda or reason for travel (HazMat Explo travel is excluded from this requirement.)
2. Copy of the registration form for training or conference.
3. Travel claim signed by the traveler showing date and times of travel, reason for trip, per diem, lodging, mileage, and transportation expenses. An example of a travel claim is attached. (*Appendix F-3*)
  - a. Receipts must be attached for airline, ground transportation, airport parking, and out-of-state lodging.
  - b. Expenses will be reimbursed at the state rate (as stated in the applicable grant application) or the local rate, whichever is less.

Meals provided in conference/training registration fees or in airfare will not be reimbursed.

Car rentals must be pre-approved by SERC staff.

A “final” Financial Report is due 45 days after the end of the grant period. All remaining expenditures and supporting documentation must be submitted for reimbursement.



Policies and procedures have been developed to assist in the proper administration of grants. Significant topics of the policies are highlighted as follows:

**SERC Policy 8.2 (*Appendix B*):**

Allowable and unallowable expenses from the Operations category are listed in the policy.

Clerical Assistance is limited to 50% of the amount awarded in the Operations category and must be declared in a line item of the budget presented in the grant application.

**SERC Policy 8.5 (*Appendix F*):**

Requests for reimbursement must be submitted by the LEPC within 30 days of the expenditure on a Financial Report form with the appropriate box checked. The submission must include invoices and/or other supporting documentation and proof of payment. Reimbursement will not be made for training that was not attended.



If no expenditures have been made, a financial report so indicating with an explanation of why is due by the end of the month following the end of the quarter.

SERC staff will conduct a desk audit of the report and information submitted within five working days of receipt. Discrepancies or questions will be addressed immediately with the submitting agency. Upon approval of the request, SERC staff will process the report for payment.

A Financial Report form may be submitted requesting an advance of funds for purchases totaling more than \$2,000. A copy of the purchase order, showing the processing date and cost of purchase, must be included with the submission. SERC staff will process the request, if appropriate, within five working days of receipt.

A Financial Report showing expenditure of the advanced funds must be submitted within 30 days of the date of the check. This report must include invoices and/or other supporting documentation (if not submitted with the request for advanced funds) and proof of payment.

If the purchase is not timely completed or the advanced amount was more than the actual purchase price, the unspent funds must be returned to the SERC within 45 days of the date of the check.

Failure to timely submit proper documentation of expenditures may jeopardize future funding.

#### SERC Policy 8.6 (*Appendix G*):



Financial Reports, as stated above, must be submitted timely. Failure will jeopardize future funding from the SERC.

LEPCs are required to submit a report to the SERC on at least one real event and/or tabletop, functional, or full scale exercise or drill which tests the hazardous materials emergency response plan within 60 days of the exercise or incident.

#### SERC Policy 8.7 (*Appendix H*):

Grantees must have an approved Grant Change Request prior to implementing a change to the original grant. Failure may result in being ineligible for the funding. Request for change in project personnel must be made on the Grant Change Request form (Appendix H-1). Request for change in funding categories must be made on the Grant Change Request form and be supported by a written justification as to why the change is needed. Request for change in the use of funds within the same category or change in goals and/or objectives must be made in a written justification as to why the change is needed.

The Executive Director of the SERC may approve changes in personnel and changes considered to be less than 10% of the original grant. The Chair of the Funding Committee may approve changes in funding greater than 10% and/or significant changes in the scope of the grant. At the Chair's direction, the Funding Committee may be required to review and approve the request for change. All requests for changes will be agendaized at the next Funding Committee meeting for ratification. Appeal of the decision may be made to the SERC, see Policy 8.12 (Appendix K).

#### SERC Policy 8.8 (*Appendix I*):

Procedures for delinquent financial reports will be handled by notifying the LEPC Chair in writing, followed by notification to the County Manager, and finally action by the SERC in which grants will be in jeopardy.

Program and financial audits will be performed on site by SERC staff. This may be accomplished by visiting LEPC offices and county financial offices. SERC staff will verify the LEPC is working within the scope of the grant project and funds are properly accounted for.

**SERC Policy 8.9 (*Appendix J*):**



Each LEPC is required to review, and if necessary update, its bylaws and membership annually. Any updates to bylaws and membership lists, or a letter stating they have been reviewed and there are no changes, will be submitted to the SERC by March 31st for a review of compliance with federal and State laws and regulations. An example of LEPC bylaws is located in *Appendix J-1*.

**SERC Policy 8.12 (*Appendix K*):**

Grant funds are awarded and programs managed consistent with SERC policies and federal and State laws and regulations. Applicants or grantees have the right to appeal if they disagree with a decision made by staff, committee, or the SERC. A written appeal must be submitted to the Executive Director within 35 days of notice of the decision.

For convenience in tracking due dates, a LEPC Requirements Timeline can be found in *Appendix L*. This timeline gives a view of what to expect throughout the year and dates to be aware of. The dates provided are subject to change. If changes occur, they will be noted in e-mails and/or letters, notifications and grant applications.

Recipients of grant funds are encouraged to make the results and accomplishments of their activities available to the public. Announcements of LEPC activities and major purchases may be made on radio, television, newspapers, etc. Prior approval is not needed for publishing the results of an activity under a project, however the grantee is required to add the **appropriate** statement to the announcement:

“This program was supported by Grant # \_\_\_\_\_, awarded by the Nevada State Emergency Response Commission (and, if a HMEP grant, the U.S. Department of Transportation). Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position of policies of the State Emergency Response Commission (and, if a HMEP grant, U.S. Department of Transportation).”

As stated throughout these policies, the SERC may suspend or withhold disbursement, and/or de-obligate grant funds, if the grantee or sub-grantee fails to meet compliance or reporting requirements, or stated grant goals and objectives.



## Contact Information

The SERC and its staff are available to answer questions and provide technical assistance and can be reached as follows:

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